

JONATHAN O. PENA, ESQ.
CA Bar ID No. 278044
Peña & Bromberg, PLC
2440 Tulare St., Suite 320
Fresno, CA 93721
Telephone: 559-412-5390
Fax: 866-282-6709
info@jonathanpena.com
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Elizabeth Irene Milsap,
Plaintiff,

vs.

Kilolo Kijakazi, Acting
Commissioner of Social Security,
Defendant.

Case No. 1:22-cv-00462-SKO
STIPULATION AND ORDER FOR
EXTENSION OF TIME
(Doc. 13)

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Plaintiff shall have a 60-day extension of time, from October 6, 2022 to December 5, 2022, for Plaintiff to serve on defendant with Plaintiff's Motion for Summary Judgment. All other dates in the Court's Scheduling Order shall be extended accordingly.

This is Plaintiff's second request for an extension of time. Good cause exists. In the months of May through July 21, 2022, Counsel has received an influx of Social Security Certified Administrative Records (CAR). A review of the

1 records received shows Counsel has received at least 50 CARs, the majority of
2 which were filed in June 2022. This has caused an unusually large number of
3 cases that have merit briefs due in the months of August and September. For the
4 weeks of October 3, 2022 and October 10, 2022, Counsel currently has 11 merit
5 briefs, and several letter briefs and reply briefs. Additional time is needed to
6 thoroughly brief this matter for the Court.

7 Also, as previously reported, Counsel for Plaintiff underwent major
8 orthopedic surgery in March 2022, requiring significant physical therapy. This has
9 required Plaintiff's counsel to take time off during the work week and work
10 months since then. Although much improved, Counsel still participates in regular
11 physical therapy two to three times per week.

12 Lastly, Counsel for Plaintiff and his husband are expecting their fourth child
13 through surrogacy and time off or a reduction in workhours during the last week of
14 October 2022 is expected.

15 Defendant does not oppose the requested extension. Counsel apologizes to
16 the Defendant and Court for any inconvenience this may cause.

17
18
19 Respectfully submitted,

20 Dated: September 22, 2022 PENA & BROMBERG, ATTORNEYS AT LAW
21

22 By: /s/ Jonathan Omar Pena
23 JONATHAN OMAR PENA
24 Attorneys for Plaintiff
25

26 Dated: September 23, 2022 PHILLIP A. TALBERT
27 United States Attorney
28 PETER K. THOMPSON

Acting Regional Chief Counsel, Region IX
Social Security Administration

By: **s/ Elizabeth Kathleen Yates Landgraf*
Elizabeth Kathleen Yates Landgraf
Special Assistant United States Attorney
Attorneys for Defendant
(*As authorized by email on September 23, 2022)

ORDER

Based upon the foregoing stipulation of the parties (Doc. 13), and for good cause shown (Fed. R. Civ. P. 16(b)(4)),

IT IS HEREBY ORDERED that Plaintiff shall have an extension of time, to and including December 5, 2022, in which to file Plaintiff's motion for summary judgment. All other deadlines set forth in the Scheduling Order (Doc. 5) shall be extended accordingly.

IT IS SO ORDERED.

Dated: **September 27, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE